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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,270	12/11/2001	Arturo A. Rodriguez	A-7312	7025

5642 7590 08/13/2003

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,270

Applicant(s)

RODRIGUEZ ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,10,12,13,17-20,28-39,42-49,54,55,57-59,66-70,72,73,75,77,83-85,87-103,105,109,112-114,117,119,121,126,127,136-145,147-158,162-176,179,180,182,184,185 and 188-208 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)

Office Action Summary

Part of Paper No. 6

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,5,10,12,13,17-20,28-39,42-49,54,55,57-59,66-70,72,73,75,77,83-85,87-103,105,109,112-114,117,119,121,126,127,136-145,147-158,162-176,179,180,182,184,185 and 188-208.

DETAILED ACTION

Remark

1. Claims 3, 6, 8-9, 11, 14-16, 21-27, 40-41, 50-53, 56, 60-65, 71, 74, 76, 78-82, 86, 104, 106-108, 110-111, 115-116, 118, 120, 122-125, 128-135, 146, 159-161, 177-178, 183, and 186-187 were canceled in the amendment dated 06/04/03 (paper no. 4).

Pending claims are 1, 2, 4-5, 7, 10, 12-13, 17-20, 28-39, 42-49, 54-55, 57-59, 66-70, 72-73, 75, 77, 83-85, 87-103, 105, 109, 112-114, 117, 119, 121, 126-127, 136-145, 147-158, 162-176, 179-180, 182, 184-185, and 188-208, with claims 1, 109, 112, 204, 207, and 208 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 7, 10, 13, 17-20, 28-29, 32-33, 35-36, 42-49, 66-70, 72-73, 75, 77, 83, 87-103, 105, 109, 112-114, 117, 121, 126-127, 136-137, 139, 141-142, 147-152, 162-176, 180, 182, 184-185, and 188-208 are rejected under 35 U.S.C. 102(e) as being anticipated by Arora (U.S. Patent Application Pub No. US 2003/0018972 A1/ or "Arora" hereinafter).

Regarding claims 1, 109 and 112, Arora discloses a method for providing television functionality (Fig. 2) comprising: defining a time period, i.e., a user can define his own period for television functionality (Fig. 2/item 232) wherein the time period has a start time and an end time, i.e., in the field 232 of Figure2, the user can define "a time period" with a start time and an end time in this field such as from start time 07/01/02 to end time 07/08/02 as a time period of seven days for an example of World Cup soccer event (see page 4, section 0027); associating a user preference that corresponds to at least one viewing parameter with the time period, i.e., a set up menu is provided to user for defining his preference as sports channels at certain times during the defined time period associate to this time period (Fig. 2, page 4, section 0027); providing a first result in accordance with the user preference if a request for television functionality is received during the defined time period; and providing a second result if the request for the television functionality is received outside the defined time period, i.e., a surf list 140 or a customized list of programs as a first result is provided to user/viewer based on his inputs in the defined time period; otherwise, a second result such as a new surf list or disable operation can be imposed (see page 2, section 0017); wherein the time period and the user preference remain in effect until changed by a user, i.e., unless the user changes his mind to alter any new attribute preference to the set up menu, everything keeps in effect for the time period defined by the user (see page 4, section 0027).

As for claims 2 and 113-114, Arora discloses "wherein the time period and the user preference are defined based on at least one of a user input and a preference engine", i.e., a menu is provided to the user to enter his preference for the defined time period and viewing parameters are collected in associate with the service provided to the user, i.e., content or time or channels are sorting out by a preference engine not by the user, or namely, a media processing system 120 (Figs. 1 & 2, and page 2, sections 0016 & 0017).

(Claim 3 was canceled).

As for claims 4-5, 32 and 176, Arora discloses “wherein an interactive program guide (IPG) displays the first result associated with the user preference” and “wherein the television functionality comprises limiting a scope of information provided by an interactive program guide (IPG)”, i.e., an interactive program guide is used (Fig. 2, items 227-228 as the user can indicate whether he prefers to have program guide or not) and the first result associated with the user preference based on a surf list 140 (created by the user as discussed in claim 1 above) is displaying on one of channels 161-164 on a display screen 160 (Fig. 1, and page 2, sections 0017 & 0019), and “wherein information in accordance with the IPG associated with the first result is stored in a memory contained in a digital home communication terminal (DHCT)”, i.e., media processing system 120 is regarded as a digital home communication terminal because it is a cable decoder box which can include one or more components for HDTV for satellite signals (page 2, section 0015) and receives, stores digital video or DVD signals (page 1, section 0013), and those information in accordance with the IPG associated with the first result is stored in a memory such as a surf list 140 within the media device 120 (page 2, section 0016).

(Claim 6 was canceled).

As for claims 7, 10 and 117, Arora discloses the steps of “wherein the user preference is determined based on at least one of a duration period and a frequency that a service characterized by a viewing parameter is presented to a user”; and “wherein, upon user input, the user preference may vary over the time period”, i.e., user preferences is determined based on a plurality of available attributes such as duration of service and/or the frequency of the service and the preference can be changed over times (Fig. 2, and page 2, section 0019; and page 3, sections 0020-0025 for more details on the duration of programs and/or the frequency of programs provided to users).

(Claims 8-9, and 11 were canceled).

As for claims 13 and 121, Arora discloses “wherein the television functionality is one of disabled, altered, and limited during the time period” , i.e., the user controls the setting of functionality of the television; therefore, the setting can be disabled to a particular period of time or indefinite if the user does not indicate the authentication period at all, disable operation will be imposed (page 2, section 0017).

(Claims 14-16, 21-27, 122-125, and 128-135 were canceled).

As for claims 17-20 and 126-127, Arora discloses the steps of “where multiple time periods are defined for providing a result in accordance with the user preference”, i.e., a setting of 01/01/09 setting for multiple time periods (Fig. 2); “wherein the user preference is for a service”, i.e., television broadcast channels are requested for service (page 2, section 0019); “wherein the user preference conflicts with another user preference”, i.e., each user has his own ID for identifying different or conflicting preferences to others (Fig. 2/item 201; and page 3, section 0022); “wherein the time period is defined based on at least one of a time of day, a day of week, a plurality days of the week, a month of a year, a date, and a holiday”, i.e., a time period or a calendar date and/or any time could be entered into an authentication filed 232 by the user according to his preference for defining a time period (Fig. 2/item 232, and page 4, section 0027).

As for claims 28-29 and 136-137, Arora discloses “wherein the user preference is determined based on tracking services that are provided by a digital home communication terminal”, i.e., the system can provide the service with the tracking services as viewing patterns can be recorded (page 6, section 0038) and “wherein the first result is only provided if a preference adaptive mode is activated”, i.e., if the user defines an authentication period or a preference adaptive mode, the first result is provided accordingly to the user’s preference (page 3, sections 0020-0025).

As for claims 33, 35 and 139, 141, in further view of claims 1 and 112 above, Arora further discloses “wherein the television functionality comprises a recording of a television service” and “wherein the first result comprises the recording of a television service”, i.e., a CD recorder is used for recording or storing television programs (page 2, section 018).

As for claims 36 and 142, Arora discloses “wherein the second result does not comprise recording of a television service”, i.e., a different result without suggesting recording of a television service is addressed (page 2, section 0017).

(Claims 40-41 and 146 were canceled).

As for claims 42-44 and 147-149, Arora discloses these claims for “wherein the user input indicates a preference for a viewing parameter”, “wherein the user input indicates a preference against a viewing parameter” and “wherein the user preference indicates a preference for a first viewing parameter and a preference against a second viewing parameter” (Fig. 2 and page 2, section 0016 to page 3, section 0022, for instance, a Yes for an okay for a viewing parameter and a No for a preference against a viewing parameter as illustrated in Figure 2).

As for claims 45-49 and 150-152, these claims for “where a preference database is used to keep track of the user preference”, “wherein the preference tracking database keeps track of user preferences for a plurality of types of viewing parameters”, “ wherein the preference tracking database keeps track of user preferences in relation to a plurality of time periods”, “wherein the plurality of time periods comprise a recurring schedule”, “wherein the recurring schedule comprises at least one of daily time periods weekly time periods, monthly time periods, weekdays, weekend days, and holidays” are disclosed by Arora as Arora shows media processing system has a viewing pattern storage 130 as a database for storing preference parameters and recurring schedule as shown in Fig. 2 for repeating set up for preference channels/programs for a period of time in any calendar day of the year including weekdays or

weekends or holidays (Fig. 1/item 130 & Fig. 3, page 4, section 0027; and page 6, section 0038 to section 0043).

(Claims 50-53, 60-65, 71, 74, 76, 78-82 and 159-161 were canceled).

As for claims 66-70, 72-73, 75, 77, and 162-175, these claims for “wherein the at least one viewing parameter is a television service; wherein the at least one viewing parameter is a type of television service; wherein the at least one viewing parameter is a television instance; wherein the television instance is a television program; wherein the at least one viewing parameter is a type of television instance; where a look-up table is used to specify a restriction on information to be provided to the user during the time period; where a look-up table is used to specify a restriction on information to be provided to an application during the time period; where a look-up table is used to determine whether an application is enabled during a time period; where a number of viewing parameters represented in a first look-up table entry is independent from a number of viewing parameters represented in a second look-up table entry” are rejected for the reasons given as addressed in earlier claims regarding viewing parameters and television service or television instance taught by Arora, and wherein lookup tables can be found (as illustration in Fig. 4 for different lookup tables are used to determine a user preference for a plurality of viewing parameters).

As for claim 176, Arora discloses “wherein the television functionality comprises a presentation of an interactive program guide (IPG)” (see claims 4-5 above).

As for claim 83, Arora further discloses the steps of “wherein an interactive program guide (IPG) according to the second result provides information that may not be in accordance with the user preference”, i.e., surf list 442 provides a result that is not according to user preference (Fig. 4, and page 5, section 0035).

(Claim 86 and 183 was canceled).

As for claims 87-95, 182, and 184-189, these limitations are already addressed previously in earlier claims (repetitions are avoiding here).

As for claims 96-101 and 190-195, in view of claim 65 above, Arora discloses “wherein the television functionality comprises tuning to a user identified television service” and “wherein the additional input is a personal identification number (PIN)”, i.e., a user ID is required for identifying himself corresponding to his profile for receiving television service (Fig. 2/item 231, and page 4, section 0027).

(Claims 104 and 106-108 were canceled).

As for claims 102-103, 105, and 196-203, Arora discloses these claims for “wherein the television functionality comprises a presentation of a list of video recordings, wherein the IPG according to the first result comprises a presentation of an initial list of video recordings that lists at least one video recording that corresponds to the viewing parameter; and wherein the initial list of video recordings does not list any video recordings that do not correspond to the viewing parameter”, i.e., surf list 442 provides a result which including channels or video recordings (page 1, sections 0012 & 0013 for a variety of sources) that is not according to user preference and surf list 441 provides a result that is according to the user preference (Fig. 4, and page 5, section 0035).

(Claims 110-111, 115-116, 118, 120, 177-178, and 186-187 were canceled).

As for claims 204-206, these claims for “a method for providing television functionality comprising: defining a plurality of time periods having a recurring schedule; inputting a user preference for each of the plurality of time periods; receiving a user request for television functionality; and providing a visual result that is responsive to the user request and to the user preference associated with each time period; wherein the television functionality comprises providing an interactive program guide; and wherein the television functionality comprises tuning to a television service” are rejected for the reasons given in the scope of claims 1 and 4.

As for claim 207, this claim for “a method for providing an interactive program guide (IPG) comprising: defining a time period; associating a user preference with the time period; providing an initial IPG screen that lists a television service that is in accordance with the user preference if a request for an IPG is received during the defined time period; and providing an initial IPG screen that does not list a television service that is in accordance with the user preference if the request for the IPG is received outside the defined time period” is rejected in view of claims 1, 42-44 and 83.

As for claim 208, this claim for “a method for providing television functionality comprising: defining at least one time period; associating a user preference for each time period; providing a first result in accordance with the user preference if a request for television functionality is received during the at least one time period; and providing a second result if the request for the television functionality is received outside the at least one time period; where the user preference is determined based on at least one of a user input and a preference engine, and where the user preference is characterized by a plurality of viewing parameters that are defined over the at least one time period; and wherein the user preference may vary over each time period” is rejected in view of claims 1, 4-5, and 19-20 as disclosed in details above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (U.S. Patent Application Pub No. US 2003/0018972 A1).

Regarding claims 12 and 119, Arora does not clearly disclose the steps of “where a functionality of a remote control key is one of disabled and altered during the time period”; however, Arora suggests that the use can define an authentication period or “void-by” date, and if the date is exceed, various actions can be occurred including the disable operation (page 2, section 0017); and the operation of a remote controller works accordingly with the main operating system, which is the home terminal 120 in this case. It means that if the user can set up a disable time period for his own, the remote control key function is altered and can be disable during the specified time period as imposed by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arora’s system with the steps of function altering or disabling the operation of a remote control key as to impose a restriction time for others to access the system as preferred. The motivation for doing this is to enhance the access security not to the television set itself but also to the remote control as well.

6. Claims 30-31, 34, 37-39, 60-62, 64, 84-85, 138, 140, 143-145, 159, 161, 179, and 181 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (U.S. Patent Application Pub No. US 2003/0018972 A1) in view of Ellis (US Patent No. 6,275,268 B1).

Regarding claims 30 and 138, Arora does not teach the step of “wherein the preference adaptive mode is activated via a switch located on a remote control device”; however, Ellis teaches an exact same technique as “Viewer preferences” mode can be activated by using a switch or key on a remote control device or a preference customized key 48A, 48B and 48C for different users (Ellis, Fig. 4, and col. 11/line 59 to col. 12/line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arora’s system with Ellis’ teaching technique of using different keys designated on a remote control for switching to different Preference mode according to different users as preferred. The motivation

for doing this is to have a quick access to pre-set and customized viewing programs according to different users as desired.

As for claim 31, Arora does not teach “wherein the television functionality comprises a purchase of a television service”; however, Ellis further teaches “wherein the television functionality comprises a purchase of a television service”, i.e., a remote purchase of a television service is provided by Ellis’ system (Fig. 43A-43B-43C-43D-43E & 44), and col. 33/line 43 to col. 34/line 46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arora’s system with Ellis’ enhanced technique of offering product and service via television broadcast as a convenient tool to shop or purchase products and/or services at home as suggested by Ellis.

As for claims 34 and 140, in further view of claim 30 above, Ellis teaches “wherein the request for the television functionality is provided by activating a record key on a remote control device while a service in an interactive program guide is highlighted” (col. 11/line 59 to col. 12/line 30 for operation of the remote controller and col. 33/lines 32-41 for recording a program using an interactive program guide).

As for claims 37-39 and 143-145, in further view of claim 31 above, Ellis further teaches “wherein the television functionality comprises implementing a sales transaction”, “wherein the first result comprises an implementation of the sales transaction”, and “wherein the second result does not comprise an implementation of the sales transaction”, i.e., sales transaction is offered but other service is also available such as interactive TV, E-mails and so on in addition to PPV services and/or sales services (Fig. 16, col. 3/line 50 to col. 4/line 67).

(Claims 60-65 were canceled).

As for claims 60-62, 64, 159 and 161, Arora does have a storage for the data identifying user preference (Fig. 1/at 130), but Arora does not show or call for “where data identifying the user preference is stored in non-volatile memory”, “where data identifying the user preference is stored in volatile memory and in non-volatile memory” and “wherein the non-volatile memory is located at a headend”; however, Ellis teaches to an exact same technique as where data identifying the user preference is stored in volatile memory, i.e., erasable such as in ROM or RAM after shutting off power, and in non-volatile memory, i.e., non-erasable after shutting off power (Ellis, col. 9/lines 7-21 & col. 9/line 50 to col. 10/line 4) and the components including a non-volatile memory can be placed at a network facility such as a headend (Ellis, col. 8/lines 22-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arora’s system with Ellis’s teaching technique of including a volatile memory and a non-volatile memory, at a headend, as means for storing user preferences.

As for claims 84-85 and 179-181, Arora does not teach to include the blocking technique; however, Ellis does teach an exact same technique in blocking “wherein an interactive program guide (IPG) according to the first result does not provide information corresponding to a television service that is blocked during the time period”; “wherein an interactive program guide (IPG) according to the second result provides information corresponding to a television service that is blocked during the time period” (Ellis, Figs. 30, 39, 40 for blocking out a program and access codes, and col. 22/line 21 to col. 24/line 16 for more details on blocking according to the user preference). Therefore, it would have been obvious to one of ordinary skill in the art to modify Arora’s system with Ellis’s technique in blocking as disclosed as an additional tool in control television accesses at a certain times for a certain programs/channels as preferred by the user/viewer.

7. Claims 54-55, 57, and 153-156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (U.S. Patent Application Pub No. US 2003/0018972 A1) in view of Wang et al (US Patent Application Pub No. US 2002/0188947 A1/ or “Wang” hereinafter).

Regarding claims 54 and 153, Arora does suggest to assign a priority value to viewing parameter (page 6, sections 0043 & 0044), but Arora does not teach “wherein the user preference is tracked by assigning a score to at least one viewing parameter”; however, such a technique to assign a score or a weight value to a viewing parameter is known in the art. In fact, Wang discloses to include an exact same technique in maintaining user preference profile in an EPG system by assigning characteristics weights to viewing attributes of users in order to create a suggested list of programs to users/viewers (Figs. 1-3, page 2, sections 0041 & 0042, and page 3, section 0047). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arora’s technique of assigning priority with a specific technique in assigning score or weight value to viewing parameters in order to provide a suggested list of preferred programs to users as suggested by Wang.

(Claim 56 was canceled).

As for claims 55, 57 and 154-156, in further view of claims 54 and 153 above, Wang teaches “wherein the score for the at least one viewing parameter may be based on a weighted linear combination of scores associated with the at least one viewing parameter”, and “wherein the score for the at least one viewing parameter changes over time”, i.e., those scores or weight values are associated to viewing parameters and it can be changed over time as the viewer/user can revise and define them (Wang, pages 2-3, Fig. 3, and sections 0041-0047).

8. Claims 58 and 157 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (U.S. Patent Application Pub No. US 2003/0018972 A1) in view of Wang et al (US Patent Application Pub No. US 2002/0188947 A1) and Asmussen et al (US Patent Application Pub US 2002/ 0042923 A1).

As for claims 58 and 157, Arora and Wang does not call the process of “wherein the score for the at least one viewing parameter is revised using one of statistical analysis and artificial intelligence technology”; however, Asmussen disclose the issue of analyzing user preferences and provides a history report of the process is called for using at least a statistical analysis (Asmussen, page 9, section 0078). Therefore, it is obvious to one of ordinary skill in the art to realize that by modifying Arora and Wang’s system with at least a statistical analysis as Asmussen suggested, one can obtain a user analysis report for user’s activities for a period of time in order to better provide a suggested list of programs suitable to the user’s preference.

9. Claims 59 and 158 rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (U.S. Patent Application Pub No. US 2003/0018972 A1) in view of Wang et al (US Patent Application Pub No. US 2002/0188947 A1) and Klosterman et al (US Patent 6,078,348).

As for claims 59 and 158, in further view of claim 54 above, Arora and Wand do not address the process of determining viewing parameter as “wherein the score for the at least one viewing parameter is determined using an artificial intelligence technology”; however, the Examiner takes Official Notice that any television program guide system can that has a capability of tracking or monitoring the user’s viewing habits must include an artificial intelligence technology therein. In further to support this statement, the Examiner would like to point out to Klosterman’s disclosure (see col. 1/lines 50-57). Therefore, it would have been obvious to realize that with the disclosure of Klosterman, the Arora and Wang’s system must be understood to further include or use an artificial intelligence technology as disclosed by

Klosterman in order to track user's viewing habits, then later to provide a suggested list of programs to users based on users's preference.

Response to Arguments

10. Applicant's arguments filed on 6/9/03 have been fully considered but they are not persuasive.

Applicants basically argues that Arora does not specify a time period defined by a start time and an end time. Applicants overlooks this feature of Arora, and the Examiner clearly points out in the office action that Arora, eventually, discloses this limitation because a user can define his own period for television functionality (Fig. 2/item 232) wherein the time period has a start time and an end time, i.e., in the field 232 of Figure2, the user can define "a time period" with a start time and an end time in this field such as from start time 07/01/02 to end time 07/08/02 as a time period of seven days for an example of World Cup soccer event (see page 4, section 0027). By a standard English terminology, "a time period" means a time including a start time and an end time; and "a period" means "an interval of time marked by the occurrence of certain conditions or events" (Webster's II Dictionary, 1994), wherein an interval of time is comprising a beginning of time and an end of time.

Furthermore, applicants mistakenly recognizes that "Arora does not correlate to television functionality" by pointing out that Arora provides "still images" only and "...the surf list will not be the same after every refresh"; however, Arora discloses that the media processing system can include devices such as a television receiver card connected to a television, or a computer or a cable decoder box (page 2, section 0015) and media streams as MPEG for digital video service is included (pages 1-2, sections 0014). Thus, Arora system provides the capability to receive from a wide range of sources, at least compatible to the television for at least to

independent claims 1, 109, 112, 204, and 207-208. Therefore, the Examiner disagrees with the Applicants and stands with the teaching and disclosure of Arora, Wang, Asmussen, Ellis and Klosterman as disclosed in details in this revised Office Action.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Krista Bui
Art Unit 2611
August 11, 2003